

GEORGE C. HUTCHINSON (SBN 138735)
PATRICK L. BLAIR (SBN 201345)
LEGAL SOLUTIONS 2 U
A Professional Corporation
18201 Von Karman, Ste. 701
Irvine, California 92616
Telephone: (855) 755-2928
Facsimile: (855) 755-2928
gchutchinson@legalsolutions2u.com

Attorneys for Defendant:
BRANDREP, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

A1 ON TRACK SLIDING DOOR
REPAIR AND INSTALLATION,
INC, SYLVIA SCHICK, and
DEBORAH SCHICK, individually
and on behalf of all others similarly
situated,

Plaintiffs,

vs.

BRANDREP, LLC, a Delaware
limited liability company,

Defendant.

Case No. 3:21-CV-03013-SI

**BLAIR DECLARATION IN
SUPPORT OF BRANDREP,
LLC'S MOTION TO SET ASIDE
DEFAULT (FRCP 55(c))**

Date: September 24, 2021
Time: 10:00 a.m.
Courtroom: 1
Judge: Hon. Susan Illston

First Amended Complaint Filed on
April 29, 2021

**BLAIR DECLARATION IN SUPPORT OF BRANDREP, LLC'S MOTION
TO SET ASIDE DEFAULT (FRCP 55(c))**

1. I am an attorney in the State of California and an associate of Legal
Solutions 2 U, APC, the law firm representing defendant Brandrep, LLC.

1 2. I recently joined the firm and started working on this case.

2 3. I attended the August 13, 2021 meet and confer with attorney Smith.

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4 However, attorney Smith was unwilling to move forward with the meet
5 and confer and preparation of a joint case management statement.

6 Despite the default, I was prepared to move forward. I did not want to
7
8 slow down this case. I was operating under the possibility that the court
9 would grant defendant's motion to vacate.

10 4. I asked attorney Smith if he would be willing to remove the default. He
11 refused. He said that he would now be seeking class certification.

12
13 5. Attorney Smith challenged me to find a rule that required a meet and
14 confer for a motion to dismiss, for which I could not. I did however read
15 him CAND Guidelines for Professional Conduct 15. Default: **"A lawyer
16 should not seek an opposing party's default to obtain a judgment or
17 substantive order without giving that opposing party sufficient
18 advance written warning to allow the opposing party to cure the
19 default."**

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22 6. I also read attorney Smith CAND Guidelines for Professional Conduct
23
24 10. Motion Practice example a. "Before filing a motion, a lawyer should
25 engage in a good faith effort to resolve the issue." These ethical rules
26 were unable to change attorney Smith's mind regarding the default.
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1 I declare under penalty of perjury under the laws of the State of California
2 and the United States of America that the foregoing is true and correct.
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5 Dated: August 17, 2021

LEGAL SOLUTIONS 2 U
A Professional Corporation

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7 /s/ Patrick L. Blair
8 Patrick L. Blair
9 Declarant and Attorney for
10 Defendant Brandrep, LLC
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